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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
087865,962	05/30/97	NIELSEN	J 2860-058

020277
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LM02/0305

EXAMINER
LE, Q

ART UNIT	PAPER NUMBER
2757	

DATE MAILED: 03/05/99

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/865,962

Applicant(s)
Jakob NIELSEN

Examiner
Quoc-Khanh Le

Group Art Unit
2757



☒ Responsive to communication(s) filed on May 30, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-22 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 12-22 is/are allowed.

☒ Claim(s) 1-3 and 8 is/are rejected.

☒ Claim(s) 4-7 and 9-11 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. Claims 1-22 are presented for examination.

Drawings

2. New formal drawings are required in this application because of the objections of the Draftsperson noted on the attached form PTO948. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the Patent and Trademark Office no longer prepares new drawings.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable by Borden *et al.*, U.S. patent 5,870,629 (hereinafter Borden).

Borden teaches a system for servicing a plurality of queues [fig. 1], comprising:

a bus (transmission line 28 [col. 3, lines 55-63]);

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at least one communication interface connected to said bus (switch 18 [col. 3, lines 45-54]);

a processor connected to said bus, said processor configured to allocate communication bandwidth to connections serviced by said at least one communications interface based on at least one set of priorities (service sequence generator 22 and service determiner 24 serve queues 10, 12, 14, and 16 connected to switch 18 according to the weight and priority of each queue [col. 3, line 64 to col. 4, line 35]).

Borden does not particularly teach that the connections serviced by at least one communications interface are user connections or server connections. But Borden teaches that the queues receiving data on input lines may receive various types of data from a variety of different sources [col. 3, lines 30-44]. Therefore, it would have been obvious for one of ordinary skill in the art to modify Borden's system by connecting users and/or servers to the communication interface connections in order to control the communication speeds of user/server connections according to a set of priorities.

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borden *et al.*, U.S. patent 5,870,629 as applied to claims 1 and 8 above, and further in view of Nielsen, U.S. patent 5,826,031.

Regarding claim 2, Borden does not teach priorities based on type of information being retrieved. However, Nielsen teaches a method and system retrieving objects of web pages according to priorities [see Summary of the Invention]. One of ordinary skill in the art would have

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been motivated to modify Borden to include priorities based on type of information being retrieved because some types of information are more sensitive to latency than others.

Regarding claim 3, Nielsen teaches the types of information (web objects) may be, but are not limited to, text (HTML format), a graphical user interface element, an image file, an audio file, an applet, or other computer code [col. 1, lines 41-50].

Allowable Subject Matter

6. Claims 12-22 are allowable.
7. Claims 4-7 and 9-11 are objected to as dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Q.-K. Le whose telephone number is (703) 305-0141. The examiner can normally be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on (703) 305-4792.

9. Any response to this action should be mailed to:

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or faxed to:

(703) 308-9051, (for formal communications intended for entry)

or:

(703) 305-5358 (for informal or draft communication, please label "PROPOSED"
or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II,


2121 Crystal Drive

Arlington, VA., Sixth Floor (Receptionist)

10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Q.-K. Le

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GLENTON B. BURGESS
PRIMARY EXAMINER